

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**JACK O. MCFARLAND, M.D.**

Holder of License No. 3831  
For the Practice of Allopathic Medicine  
In the State of Arizona

Case No. MD-04-0588A

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Jack O. McFarland, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. Respondent acknowledges and understands that this Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

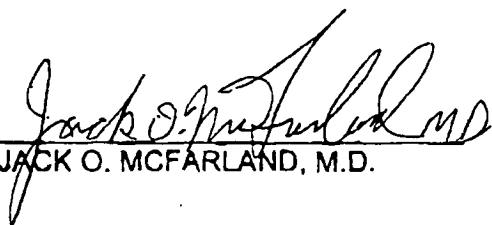
4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent  
4 Agreement has not yet been accepted by the Board and issued by the Executive Director,  
5 upon signing this agreement, and returning this document (or a copy thereof) to the  
6 Board's Executive Director, Respondent may not revoke the acceptance of the Consent  
7 Agreement. Respondent may not make any modifications to the document. Any  
8 modifications to this original document are ineffective and void unless mutually approved  
9 by the parties.

10 6. Respondent further understands that this Consent Agreement, once  
11 approved and signed, is a public record that may be publicly disseminated as a formal  
12 action of the Board and will be reported to the National Practitioner Data Bank and to the  
13 Arizona Medical Board's website.

14 7. If any part of the Consent Agreement is later declared void or otherwise  
15 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
16 and effect.

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21 JACK O. MCFARLAND, M.D.

DATED: 11-4-05

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 3831 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-04-0588A after receiving notification of a malpractice settlement involving Respondent's care and treatment of a 30 year-old female patient ("T.K.").

4. On May 5, 1998 T.K. delivered a nine pound three ounce baby. The vaginal delivery was complicated by a vacuum extraction with a deep episiotomy that resulted in a third or fourth degree extension. T.K. experienced persistent rectal pain following the surgery. T.K.'s obstetrician/gynecologist ("OB/GYN") referred her to Respondent for her pain.

5. On October 13, 1998 T.K. presented to Respondent, a general surgeon, who noted the presence of a tender coccyx on examination as well as a linear scar in the anterior lower rectal segment. Respondent elected to perform a coccygectomy (a clean site surgery) with anorectal repair (a contaminated site surgery). Respondent decided to perform the contaminated site surgery at the same time as the clean site surgery.

6. On October 27, 1998 Respondent performed a coccygectomy followed by an anoplasty/repair of a rectal stricture. Respondent's dictation provides no indication that T.K. was re-prepped or re-draped between the coccygectomy and the anal surgery. OB/GYN then performed a posterior colporrhaphy to repair T.K.'s episiotomy scar.

7. On November 3, 1998 T.K. saw Respondent's partner ("Partner") and it was discovered that her coccygeal wound had opened. Partner admitted T.K. to the hospital

1 the next day for antibiotics and local wound care. Partner continued to see T.K. for several  
2 months.

3 8. In June 1999 T.K. saw a colon and rectal surgeon who performed a  
4 completion coccygectomy (removal of a retained coccygeal fragment). T.K.'s open wound  
5 persisted and she later sought hyperbaric oxygen therapy for her open wound.

6 9. The standard of care required Respondent to not perform a clean site  
7 surgery in combination with a contaminated site surgery.

8 10. Respondent deviated from the standard of care by performing a  
9 coccygectomy (clean site surgery) in combination with anorectal surgery (contaminated  
10 site surgery).

11 11. T.K. was harmed because she developed an infection of the coccygeal  
12 incision that led to a prolonged open wound. This necessitated further surgery, prolonged  
13 wound care and hyperbaric oxygen therapy.

#### 14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter hereof and over  
16 Respondent.

17 2. The conduct and circumstances described above constitute unprofessional  
18 conduct pursuant to A.R.S. § 32-1401(27)(q) – (“[a]ny conduct or practice that is or might  
19 be harmful or dangerous to the health of the patient or the public.”)

20 3. The conduct and circumstances described above constitute unprofessional  
21 conduct pursuant to A.R.S. § 32-1401 (27)(II) – (“[c]onduct that the board determines is  
22 gross negligence, repeated negligence or negligence resulting in harm to or the death of a  
23 patient.”)

24 ...

25 ...

ORDER

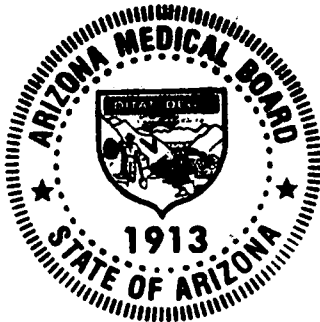
IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for performing a clean site surgery in combination with a contaminated site surgery.

2. This Order is the final disposition of case number MD-04-0588A.

DATED AND EFFECTIVE this 12<sup>th</sup> day of December, 2005.

(SEAL)



ARIZONA MEDICAL BOARD

*[Signature of Timothy C. Miller]*

By \_\_\_\_\_  
TIMOTHY C. MILLER, J.D.  
Executive Director

ORIGINAL of the foregoing filed this 12<sup>th</sup> day of December, 2005 with:

Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed  
this 12<sup>th</sup> day of December, 2005 to:

Jack O. McFarland, M.D.  
Address of Record

*[Signature of Investigative Review]*

Investigative Review